

**PATENT APPLICATION
DOCKET NO. 0001-0005****REMARKS**

Claims 1-19 are pending in the application. Claims 1, 10, and 13 have been amended herein.

Claim Objections

The Examiner objected to claim 6 for reciting an AC motor while base claim 1 recited an electric motor that receives power from the AC power source. The Applicant has amended claim 1 to recite only that the nightlight includes an electric motor. Claim 6 then recites that the motor is an AC electric motor, and claim 7 recites that the motor is a DC electric motor. Therefore, the withdrawal of the objection of claim 6 is respectfully requested.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1, 6, 8-11, 13 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Held (Swiss Pub. CH 673517) in view of Brumer (U.S. Patent No. 5,772,314). The Examiner stated that Held shows all of the elements of the claimed invention except for an electric motor having a shaft extending through the front side of the casing proximate to the aperture illuminated by the light bulb. The Examiner contends this is shown by Brumer.

First, the Applicant notes that Brumer does not disclose or suggest an electric motor having a shaft *extending through the front side of the casing proximate to the aperture illuminated by the light bulb*. As shown in FIG. 2, Brumer's motor 48 is mounted inside the ceiling ornament system with the shaft 50 oriented parallel to the surface that is viewed (i.e., the bottom surface since Brumer's system mounts on the ceiling). The motor turns a gear 52, which rotates a circular track 54 mounted on the sheet assembly 12. Thus, Brumer does not disclose or suggest an electric motor having a shaft extending through the front side of the casing proximate to the aperture illuminated by the light bulb.

Second, the Applicant has amended independent claims 1, 10, and 13 to better distinguish the claimed invention from Held and Brumer. Held discloses a nightlight with an optical disk 23 with interchangeable designs. However, the disk does not rotate. Additionally, the entire disk is backlit by the light 14. A translucent layer 30 is positioned behind the design to diffuse the light over the entire surface of the disk. Brumer discloses a ceiling ornament system that rotates, but once again, the entire sheet assembly is backlit by the light source.

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The Applicant's claimed nightlight does not illuminate the entire design disk. Since the design disk is mounted on a shaft that extends through the front side of the casing proximate to the aperture illuminated by the light bulb, it naturally follows that only a portion of the design disk is lit at any one time. Nevertheless, the Applicant has amended claims 1, 10, and 13 to positively recite that a *portion* of the design disk covers the lighted aperture in the front side of the casing. Thus, at any one time, only the portion of the design that is in front of the lighted aperture is visible when the rotating design disk is viewed from the front side of the nightlight.

This feature is not taught or suggested by the combination of Held and Brumer, both of which illuminate the entire disk. Thus, a *prima facie* case of obviousness has not been established in accordance with MPEP 2143. Therefore, the withdrawal of the § 103 rejection and the allowance of claims 1, 10, and 13 are respectfully requested.

Claims 2-9 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2-9 is respectfully requested.

The Applicant notes that amended claim 10 adds the further limitation that a portion of the rotating disk smaller than approximately one-half of the disk covers the illumination area when the disk is mounted on the shaft. Thus, portions of the design move through the illumination area as the rotating design disk rotates. This limitation is also not taught or suggested by the combination of Held and Brumer. Therefore, the allowance of amended claim 10 (and dependent claims 11 and 12) is respectfully requested.

Amended claim 13 likewise recites that the rotating design disk has a radius that causes a portion of the disk to cover the illumination area as the disk rotates, thereby causing different portions of the design to move through the illumination area as the design disk rotates. Therefore, the allowance of amended claim 13 is respectfully requested.

Claims 14-19 depend from amended claim 13 and recite further limitations in combination with the novel elements of claim 13. Therefore, the allowance of claims 14-19 is respectfully requested.

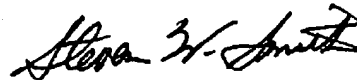
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DOCKET NO. 0001-0005****Prior Art Not Relied Upon**

On page 6 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. Specifically, the Examiner noted that Mizutani (US 4,073,598) and Laurel (US 4,402,649) disclose a ceiling fan with switches for independent operation of the light and motor speed. However, none of the cited references teach or suggest a nightlight with a portion of a rotating design disk covering an illumination area, as claimed by the Applicant.

CONCLUSION

For all the above reasons, the Applicant respectfully requests the allowance of claims 1-19 and the passing of this application to issue.

Respectfully submitted,



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